

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code section 455A.5, the Natural Resource Commission hereby amends Chapter 91, "Waterfowl and Coot Hunting Seasons," Iowa Administrative Code.

These rules set regulations for hunting waterfowl and coot and include season dates, bag limits, possession limits, shooting hours, and areas open to hunting. These amendments adjust season dates to comply with federal law and to ensure that seasons open on weekends. The amendments adjust the season dates for calendar date changes; change bag limits for scaup, mottled ducks, and canvasbacks pursuant to 2009 federal regulations; change the boundary dividing the state into north and south goose hunting zones so that it is the same as the boundary that divides the state into north and south duck hunting zones; allow landowners to hunt in Canada goose closed hunting zones until October 31 instead of October 15; and decrease the size of the Worth-Winnebago and Monona-Woodbury Canada goose closed hunting zones.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 8, 2009, as **ARC 7686B**. A public hearing was held on April 29, 2009. A total of 29 comments were received during the comment period. Twenty of those comments requested that the duck season in the north zone be open as early as possible so that hunters in northern Iowa could hunt ducks during October when the marshes are open rather than in December when most areas are frozen. Nine comments favored the later season so that hunters could hunt late-season mallards.

Based upon these comments and historical migration patterns, the season dates were changed from the Notice of Intended Action. The starting date of the duck season in the north zone was changed from October 17 to October 10. Also, the Canada goose season was changed so that it is closed December 14 to 18 instead of December 21 to 25 in both the north and south zones so the season is open over the Christmas holiday.

The Department finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of these amendments should be waived and these amendments should be made effective upon filing with the Administrative Rules Coordinator on August 18, 2009, as the amendments confer a benefit.

These amendments became effective August 18, 2009.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39 and 481A.48. The following amendments are adopted.

ITEM 1. Amend subrules 91.1(2) to 91.1(4) as follows:

91.1(2) Season dates - north zone. For all ducks: September ~~20~~ 19 through September ~~24~~ 23 and October ~~18~~ 10 through December ~~11~~ 3.

91.1(3) Season dates - south zone. For all ducks: September ~~20~~ 19 through September ~~24~~ 23 and October ~~18~~ 17 through December ~~11~~ 10.

91.1(4) Bag limit. The daily bag limit of ducks is 6, and may include no more than 4 mallards (no more than 2 of which may be females), 1 black duck, 3 wood ducks, 1 pintail, ~~3~~ 1 mottled ~~ducks duck~~, 1 canvasback, 2 redheads, and ~~1~~ 2 scaup, ~~except during November 1 through November 20 when the daily limit for scaup is 2. No canvasbacks may be included in the daily bag limit; the canvasback season is closed.~~ The daily bag limit of mergansers is 5, only 2 of which may be hooded mergansers.

ITEM 2. Amend subrules 91.3(1) to 91.3(3) as follows:

91.3(1) Zone boundaries. ~~The north goose hunting zone is that part of Iowa north of U.S. Highway 20.~~ The north goose hunting zone is that part of Iowa north of a line beginning on the Nebraska-Iowa border at State Highway 175, east to State Highway 37, southeast to State Highway 183, northeast to State Highway 141, east to U.S. Highway 30, and along U.S. Highway 30 to the Iowa-Illinois border. The south goose hunting zone is the remainder of the state.

91.3(2) Season dates - north zone. Canada geese and brant: September ~~27~~ 26 through October ~~5~~ 4 and October ~~18~~ 10 through December ~~21~~ 13 and December ~~27~~ 19 through January ~~11, 2009~~ 3, 2010.

White-fronted geese: September ~~27~~ 26 through December ~~7~~ 6. Light geese (white and blue-phase snow geese and Ross' geese): September ~~27~~ 26 through January ~~11, 2009~~ 10, 2010.

91.3(3) Season dates - south zone. Canada geese and brant: September ~~27~~ 26 through October ~~5~~ 4 and October ~~18~~ 17 through December ~~21~~ 13 and December ~~27~~ 19 through January ~~11, 2009~~ 10, 2010. White-fronted geese: September ~~27~~ 26 through December ~~7~~ 6. Light geese (white and blue-phase snow geese and Ross' geese): September ~~27~~ 26 through January ~~11, 2009~~ 10, 2010.

ITEM 3. Amend subrule 91.3(7), introductory paragraph, as follows:

91.3(7) Light goose conservation order season. Only light geese (white and blue-phase snow geese and Ross' geese) may be taken under a conservation order from the U.S. Fish and Wildlife Service from January ~~12, 2009~~ 11, 2010, through April 15, ~~2009~~ 2010.

ITEM 4. Amend paragraphs **91.4(2)“d”** and **“i”** as follows:

d. Area four. ~~Portions of Winnebago and Worth Counties bounded as follows: Beginning at a point two and one-half miles east of Lake Mills, Iowa, at the junction of State Highway 105 and County Road S10 (also named Bluebill Ave.); thence south along County Road S10 (including the right-of-way), i.e., Bluebill Ave., three-fourths mile to 448th St.; thence east three-fourths mile on 448th St. to Cardinal Ave.; thence south one-fourth mile to 445th St.; thence east one-fourth mile to Cedar Ave.; thence south one-half mile on Cedar Ave. to 440th St.; thence east three-fourths mile on 440th St. to Dove Ave.; thence south on Dove Ave. one-half mile to 435th St.; thence east one-fourth mile on 435th St. to Dove Ave.; thence south on Dove Ave. to County Road A34; thence east one mile on County Road A34 (including the right-of-way) to Evergreen Ave.; thence south two miles to County Road A38 (also named 410th St.); thence west eight and one-half miles along County Road A38 including the right-of-way; thence north four miles along County Road R72 (also named 210th Ave.) (including the right-of-way); thence east along State Highway 69 approximately one mile (including the right-of-way) to the intersection with State Highway 105; thence east along State Highway 105 (including the right-of-way) five miles to the point of beginning.~~ Portions of Winnebago and Worth Counties bounded as follows: Beginning at the junction of U.S. Highway 69 and County Road 105 in the city of Lake Mills; thence east along County Road 105 (including the right-of-way and all other road right-of-ways identified in this description) approximately 5 miles to Dogwood Ave.; thence south along Dogwood Ave. to 440th St.; thence east one-fourth mile on 440th St. to Dove Ave.; thence south on Dove Ave. one-half mile to 435th St.; thence east one-fourth mile on 435th St. to Dove Ave.; thence south on Dove Ave. to County Road A34; thence east one mile on County Road A34 (also named 430th St.) to Evergreen Ave.; thence south one mile to 420th St.; thence west along 420th St. to Cedar Ave.; thence south one-half mile along Cedar Ave. to Lake St.; thence west one-fourth mile along Lake St. to Front St.; thence southeast one-half mile along Front St. to County Road A38 (also named 410th St.); thence west along County Road A38 to County Road R74 (also named 225th Ave.); thence north along County Road R74 to 420th St.; thence west along 420th St. to County Road R72 (also named 210th Ave.); thence north along County Road R72 to U.S. Highway 69; thence east along U.S. Highway 69 to point of beginning.

i. Area nine. Portions of Monona and Woodbury Counties bounded as follows: For the portion in Monona County, beginning at the junction of County Road K42 and 120th Street; thence south along County Road K42 (including the right-of-way and all other road right-of-ways identified in this description) approximately 4 miles; thence south on Berry Avenue approximately 1 mile to 170th Street; thence east along 170th Street to Cashew Avenue; thence south along Cashew Avenue to ~~200th~~ 190th Street; thence east along ~~200th~~ 190th Street to County Road K42; thence south and east along County Road K42 to Cherry Avenue; thence south along Cherry Avenue to 243rd Street; thence east along 243rd Street to Cypress Avenue; thence south along Cypress Avenue to 245th Street; thence east and northeast along 245th Street to Filbert Avenue; thence north and northwest along Filbert Avenue to State Highway 175; thence east along State Highway 175 to County Road K45; thence north and northwest approximately ~~11~~ 7 miles along Monona County Road K45 to 120th Street; thence west along 120th Street to the point of beginning; and for the portion in Woodbury County, beginning at the junction of County Road K45 and State Highway 141; thence northwest along County Road K45 approximately 6 miles to the intersection with Woodbury County Road K25; thence west approximately 3 miles along

Woodbury County Road K25 to the intersection with Port Neal Road; thence continuing along the same westerly line approximately 1 mile on the north border of section 6, township 86 north, range 47 west, to the ~~Iowa-Nebraska state line along center of the Missouri River~~; thence southerly along the ~~state line Missouri River channel~~ approximately 8 miles to a point where 340th Street meets the Iowa-Nebraska state line on the Missouri River except that portion of Nebraska lying on the east side of the Missouri River; thence east to and along 340th Street approximately 5.5 miles to County Road K42; thence north and east along County Road K42 approximately 2.5 miles to the point of beginning.

ITEM 5. Amend subrule 91.5(1), introductory paragraph, as follows:

91.5(1) ~~Clay County, Dickinson County, Emmet County, Jackson County, and Butler County closed areas.~~ Closed areas. Area one (Emmet Co.), Area two (Clay and Palo Alto Cos.), Area three (Dickinson Co.), Area four (Winnebago and Worth Cos.), Area eleven (Jackson Co.), and Area fifteen (Butler Co.) as described in subrule 91.4(2).

ITEM 6. Amend subparagraph **91.5(1)“b”(7)** as follows:

(7) Hunting within the closed area will be allowed through October ~~15~~ 31.

ITEM 7. Amend rule 571—91.6(481A) as follows:

571—91.6(481A) Youth waterfowl hunt. A special youth waterfowl hunt will be held on October ~~4 and 5, 2008~~ 3 and 4, 2009, in the north duck hunting zone and October ~~4 and 5, 2008~~ 3 and 4, 2009, in the south duck hunting zone. Youth hunters must be residents of Iowa as defined in Iowa Code section 483A.1A and less than 16 years old. Each youth hunter must be accompanied by an adult 18 years old or older. The youth hunter does not need to have a hunting license or stamps. The adult must have a valid hunting license and habitat stamp if normally required to have them to hunt and a state waterfowl stamp. Only the youth hunter may shoot ducks and coots. The adult may hunt for any other game birds for which the season is open. The daily bag and possession limits are the same as for the regular waterfowl season, as defined in rule ~~571—91.1(481A)~~. All other hunting regulations in effect for the regular waterfowl season apply to the youth hunt.

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 9/9/09.